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Banner & Witcoff Ref. No.  
Client Ref. No.

01107.32346  
DM-3449

## SUBSTITUTE JOINT DECLARATION FOR PATENT APPLICATION

As the below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names:

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled SUBTLE MITOCHONDRIAL MUTATIONS AS TUMOR MARKERS, the specification of which

- ☒ is attached hereto,  
was filed on August 20, 1999 as Application Serial Number 09/377,956 and was amended on \_\_\_\_\_ (if applicable).  
☐ was filed under the Patent Cooperation Treaty (PCT) and accorded International Application No. \_\_\_\_\_, filed \_\_\_\_\_, and amended on \_\_\_\_\_ (if any).

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We hereby acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56(a).

### Prior Foreign Application(s)

We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Country	Application No.	Date of Filing (day month year)	Date of Issue (day month year)	Priority Claimed Under 35 U.S.C. §119

### Prior United States Provisional Application(s)

We hereby claim priority benefits under Title 35, United States Code, §119(e)(1) of any U.S. provisional application listed below:

U.S. Provisional Application No.	Date of Filing (day month year)	Priority Claimed Under 35 U.S.C. §119(e)(1)
60/097,307	08/20/98	Yes

### Prior United States Application(s)

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Date of Filing (Day, Month, Year)	Status X Patented, Pending, Abandoned

### Power of Attorney

And we hereby appoint, both jointly and severally, as our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the following attornies and agents, their registration numbers being listed after their names:

ALTHERK, Robert F.	31,810	HONG, Patricia E.	34,373	NELSON, Jon O.	24,566
BANNER, Donald W.	17,017	KOSCHKE, Dale H.	19,090	NIEGOWSKI, James A.	28,331
BANNER, Mark T.	29,888	HYMEL, Lin J.	45,414	PATEL, Bimal J.	42,862
BANNER, Patricia I.	33,644	IVANICKI, John P.	34,621	PATHAK, Ajay S.	35,266
BECKEN, Matthew P.	45,854	JACKSON, Thomas H.	29,836	PETERSON, Thomas L.	10,965
BECKETT, William W.	18,762	KAGAN, Sarah A.	32,141	POTENZA, Joseph M.	25,175
BERCHAMMER, Joseph J.	45,057	KATZ, Robert S.	36,402	PRATT, Thomas K.	27,210
BODNER, Jordan	42,338	KLEIN, William J.	43,719	RENK, Christopher J.	33,761
BURDOW, Scott A.	42,373	KRAUSE, Joseph P.	32,578	RESIS, Robert H.	32,168
CALLAHAN, Patrick V.	20,095	LINEK, Ernest V.	29,872	RIVARD, Paul M.	43,446
CHANG, Steve S.	42,402	MALONE, Dale A.	32,155	ROBINSON, Douglas W.	32,751
COHAN, Gregory J.	40,939	MANNABA, Arthur K.	45,301	SCHAD, Steven P.	32,510
COHENMAN, Marc S.	34,143	MAPLE, Marie-Claire B.	37,588	SHUFLEY, Charles W.	28,042
CUSTIN, Joseph P.	34,571	MAY, Steven A.	44,912	SHULL, Jason	47,085
DAVID, Richard	44,642	McDERMOTT, Peter D.	29,411	SKRAPON, Joseph M.	29,864
DEMOOR, Laura J.	39,634	McKEE, Christopher L.	32,384	STOCKLEY, D. J.	34,257
EVANS, Thomas L.	35,803	McKIE, Edward F.	17,335	VAN ES, J. Pieter	37,746
FEDORUCHKO, Gary D.	35,509	MEDLOCK, Nina L.	29,673	WITCOFF, Sheldon W.	17,396
FERGUSON, Catherine A.	40,877	MEECE, Timothy C.	32,553	WOIFF, Franklin D.	19,724
FICKLER, Debra A.	46,699	MEEKER, Frederic M.	35,282	WOLFFE, Susan A.	33,558
FISHER, William J.	32,133	MILLER, Charles L.	43,805	WRIGHT, Bradley C.	35,061
GLEBOCKI, Christopher R.	38,500	MITRUS, Janice Y.	43,808		
HANLON, David E.	40,149	MORENO, Christopher P.	38,566		
HIMMENDER, Lisa M.	42,653	MOTTLEY, Darrell G.	42,912		

All correspondence and telephone communications should be addressed to:

Banner & Witcoff, Ltd.  
Customer Number: 22907 (WDC)

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of First Inventor POLYAK Kornelia  
Family Name First Given Name Second Given Name  
Residence Roslindale, MA Citizenship Hungarian  
Post Office Address 26 Fairview Street, Roslindale, MA 02131

Signature Rein Date 9/30/01  
Full Name of Second Inventor VOGELSTEIN Bert  
Family Name First Given Name Second Given Name  
Residence Baltimore, Maryland Citizenship United States of America  
Post Office Address 3700 Breton Way, Baltimore, Maryland 21208

10053611 012402

Signature Kenneth W. Kinzler Date 10/2/01  
Full Name of Third Inventor KINZLER Kenneth W.  
Family Name First Given Name Second Given Name  
Residence Bel Air, Maryland Citizenship United States of America  
Post Office Address 1403 Halkirk Way, Bel Air, Maryland 21015

10053611.012402

Banner & Witcoff Ref. No:  
Client Ref. No.

01107.82346  
DM-3449

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BANNER, Mark T.	29,883	HYMEL, Lin J.	45,414	PATEL, Bimal J.	42,086
BANNER, Patricia I.	33,644	SWANICKI, John P.	34,628	PATRAK, Ajay S.	38,266
BECKER, Matthew P.	45,824	JACKSON, Thomas M.	29,808	PETERSON, Thomas L.	30,969
BECKETT, Wilson W.	18,262	KAGAN, Sarah A.	32,141	POTENZA, Joseph M.	28,175
BERONHAMMER, Joseph J.	46,037	KATZ, Robert S.	36,402	PRATT, Thomas K.	37,210
BODNER, Jordan	42,336	KLEIN, William J.	41,719	RENK, Christopher J.	33,761
BUROW, Scott A.	42,375	KRAUSE, Joseph P.	32,578	RESS, Robert H.	32,168
CALLAHAN, James V.	30,085	LINEK, Ernest V.	29,822	RIVARD, Paul M.	43,446
CHANG, Steve E.	42,402	MALONE, Dale A.	32,153	ROBINSON, Douglas W.	32,751
COHAN, Gregory J.	40,959	MANNAY, Ashok K.	45,301	SCHAD, Steven P.	32,550
COOPERMAN, Marc S.	34,143	MAPLE, Mario-Chaire B.	37,588	SHIPLEY, Charles W.	28,042
CURTIN, Joseph P.	34,571	MAY, Steven A.	44,912	SHULL, Jason	47,043
DAVID, Michael	44,642	McDERMOTT, Peter D.	29,411	SEKERSON, Joseph M.	29,864
DeMOOR, Laura J.	39,654	McKEE, Christopher L.	32,384	STOCKLEY, D. J.	34,237
EVANS, Thomas L.	33,803	McKEE, Edward F.	17,333	VAN ES, J. Pieter	37,746
FEDORCHICK, Gary D.	35,309	MEDLOCK, Nina L.	29,673	WITCOFF, Sheldon W.	17,399
FERGUSON, Catherine A.	40,877	MEECE, Timothy C.	38,553	WOLFFE, Franklin D.	19,724
PICKLER, Debra A.	46,690	MEEGER, Frederic M.	35,282	WOLFFE, Susan A.	33,368
FISHER, William J.	32,133	MILLER, Charles L.	43,803	WRIGHT, Bradley C.	38,061
GLEBOCKI, Christopher R.	38,800	MITREJS, Janice V.	43,808		
HANLON, Brian E.	40,449	MORENO, Christopher P.	38,366		
HEMMENDINGER, Lisa M.	42,653	MOTTLEY, David G.	42,912		

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Signature [Signature] Date 10/2/01  
Full Name of First Inventor POLYAK Kornelia  
Family Name First Given Name Second Given Name  
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Family Name First Given Name Second Given Name  
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Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of Third Inventor KINZLER Kenneth W  
Family Name First Given Name Second Given Name  
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Post Office Address 1402 Hallock Way, Bel Air, Maryland 21015

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